

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

THE PROIMMUNE COMPANY, LLC,

Plaintiff,

v.

LAURA LILE, M.D., and THREE AMINOS,  
LLC,

Defendants.

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AND RELATED COUNTERCLAIMS AND  
THIRD-PARTY CLAIMS.

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Hon. Kenneth M. Karas

Case No. 7:22-cv-07242-KMK

**APPLICATION TO RE-OPEN CASE**

Plaintiff The ProImmune Company, LLC (“Plaintiff”) respectfully requests that the Court reopen this case.

On May 1, 2023, Defendants/Counterclaimants Laura Lile, M.D. and Three Aminos, LLC filed a letter with the Court stating that the parties had agreed in principle to settlement terms. (ECF No. 49.) On May 3, 2023, the Court issued an order dismissing the case without prejudice to it being re-opened within 60 days if the settlement is not consummated. (ECF No. 51.)

Unfortunately, the parties’ settlement agreement was not consummated, as the parties could not agree on certain material terms in the written agreement. Plaintiff therefore requests that the Court reopen this matter.

Complicating matters, on June 21, 2023, Defendant/Counterclaimant Three Aminos LLC filed a Chapter 11 bankruptcy petition in the Middle District of Tennessee. Therefore, upon reopening this case, the claims against and by Three Aminos will be subject to an automatic stay pursuant to 11 U.S. Code § 362.

Plaintiffs’ position is that the claims against Dr. Lile, who has not filed a bankruptcy petition in her individual capacity, are not subject to the automatic stay provisions. *See Teachers Insurance and Annuity Ass’n v. Butler*, 803 F.2d 61, 65 (2d Cir.1986) (“It is well-established that stays pursuant to § 362(a) are limited to debtors and do not encompass non-bankrupt co-defendants.”) The claims against Dr. Lile can therefore proceed upon reopening of the case. To the extent the Court is considering staying the action in its entirety, Plaintiff requests that the Court set a status conference to discuss the matter.

Dated: June 27, 2023  
Los Angeles, California

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